REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 13-20; claims 11-12 have been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-10 and 13-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Objections - Claims

Claims 13-20 were objected to because of informalities. Again, the Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1, 6-10, 13 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burst, Jr. (US 7088677).

The Applicant respectfully traverses the Examiner's rejection and requests the Examiner's favorable reconsideration in view of the following remarks. With the present invention, not all incoming packets received by a particular gateway is monitored. Also, not all links and nodes within a particular network is monitored. Instead, in accordance with the teachings of the present invention, only those incoming packets transmitted from a specified group of media gateways over a packet switched backbone towards a particular gateway acting as a terminating media gateway is monitored. This limitation is recited as the first step in independent Claim 1 (emphasis added):

> monitoring the level of congestion suffered by incoming packets for a first gateway wherein said incoming packets are transmitted from a group of media gateways over said backbone and wherein said first media gateway acting as a terminating media gateway for said group of media gateways

In response to receiving a request to terminate a new bearer connection from one of the media gateways within the monitored group, in accordance with the teachings of the present invention, a decision is then made based on the previously monitored level of congestion suffered by that terminating gateway and rejecting the request based on that admission decision. In other words, the terminating gateway monitors the congestion level suffered by incoming packets coming from a group of media gateways within a network, receives a request to terminate a new bearer connection from one of the media gateways within the monitored group, and then provides a decision based on the monitored level of congestion suffered by that terminating gateway for that particular group of media gateways. Therefore, the present invention does not monitor or probe the whole network in order to find a congestion link or weak spot in the network. Rather, it is interested in monitoring the congestion level suffered by incoming packets transmitted by a group of media gateways to a particular terminating gateway.

The Applicant submits that Burst fails to anticipate or render obvious each and every element of presently pending independent Claims 1, 9, 10 and 13. The Burst invention does deal with admission control, but not for a particular group of media gateways. In Burst, an IP voice tandem which includes a media gateway periodically transmits high-priority control packets through a packet-switched network, such as an IP network, to determine the least amount of time for a packet to traverse the network. The media gateway then uses the results of these observations to infer whether or not the network is congested. (Burst, Col. 6, lines 32-45 and Col. 15, lines 45-64). Accordingly, instead of monitoring the congestion level suffered by incoming packets from a group of media gateways, the Burst invention instead broadcasts control packets with time-stamps to determine the "travel time" to infer whether there is congestion in the whole network. Due to such network-broadcasting mechanisms and inference gathered from the returned control packets with time delays, the Burst invention can only infer that the "core network" is congested rather than determining the congestion level associated with incoming packets from a specific group of media gateways (Burst, Col. 6, lines 14-22). Accordingly, in Burst, when a determination has been made that

the IP network is congested, it reroutes the call connection over a different network, such as customer's IXC.

Accordingly, even though Burst deals with an admission control for the whole IP network and reroutes the call connection over to a different network when it has inferred that the core network is congested due to unacceptable "traverse" time associated with the broadcast control messages, it simply fails to provide the recited step of:

> monitoring the level of congestion suffered by incoming packets for a first gateway wherein said incoming packets are transmitted from a group of media gateways over said backbone and wherein said first media gateway acting as a terminating media gateway for said group of media gateways (emphasis added)

Furthermore, Burst also fails to disclose or teach the step of:

> making a decision on the admissibility of that request based upon the previously monitored level of congestion suffered by said first media gateway for said incoming packets from said second media gateway or from said group of media gateway (emphasis added).

Since Burst fails to disclose or teach monitoring incoming packets from a particular group of media gateways, receiving a request for new connection from one of those monitored group of media gateways, making a decision based on the previously monitored level of congestion suffered by the terminating media gateway for those incoming packets from that monitored group of media gateways, and rejecting that particular request based on that decision, the Applicant respectfully submits that Independent claims 1, 9, 10 and 13 are patentable over the cited reference. If the Examiner still disagrees with the Applicant, the Applicant respectfully requests the Examiner to specifically point out portions of Burst allegedly disclosing each and every step and element as recited by currently pending claims.

Claims 2 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burst, Jr. (US 7088677) and further in view of Rao (US 6876627).

Claims 3, 5, 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burst, Jr. (US 7088677) and further in view of Murphy, *et al.* (US 6542499).

Claims 4 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burst, Jr. (US 7088677), and further in view of Rao (US 6876627), and Murphy, *et al.* (US 6542499).

All these claims depend on now allowable independent claims and recite further limitations in combination thereto. Therefore, the allowance of claims 2-5, and 14-17 is respectfully requested.

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CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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Date: June 1, 2009

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